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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,914	08/31/2001	Donald J. Remboski	IA00012	2193

22863 7590 09/11/2002

MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
3102 NORTH 56TH STREET
PHOENIX, AZ 85018

EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,914

Applicant(s)

REMBOSKI ET AL.

Examiner

Jacques H. Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Preliminary Amendment

1. The preliminary amendment filed on June 6, 2002 has been and considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Muller et al [6,389,468].

Muller et al [6,389,468] discloses a method and apparatus de distributing network traffic processing on a multiprocessor computer. According to Mullet al, a plurality of computers (devices) is communicatively coupled by an active network, where a data packet is provided for communicating data between the computers or devices. As depicted in figure 2 and described in the specification at pages 12-13, the data packet comprises a header portion, a data portion, a trailer portion and an active portion.

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According further to Muller et al, the active portion of the data packet is integrated with either the header portion, or the data portion or the trailer portion. See column 2. Furthermore, as described in column 6, for example, the active portion of the data packet comprises a plurality of active network elements coupled by connection media, wherein the active portion contains active data related to the configuration of the active network elements. Still in column 6, the active network elements can be a switch, a router or a bridge. As described in column 9, for example, Muller et al discloses a packet state, wherein the active network is operable to communicate the data packet correspond to the packet state. See also columns 11-12. The apparatus of Muller et al can be used as in a vehicle. Although specific portions of the Muller et al patent have been referred to, other sections are applicable as well.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Macera et al [5,490,252].

Macera et al discloses a system having central processor for transmitting packets to another processor, wherein the processors (devices) are communicatively coupled by an active network and a data packet is provided for communication of data between the processors. According to Macera et al, the data packet includes a header portion, a data portion, a trailer portion and an active portion. Macera et al also discloses that the active portion include includes a plurality of active network elements, wherein the active portion contains active data related to the configuration of the active network elements, and wherein at least one of the active network elements comprise a switch, a bridge or a

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router. See columns 1, 3-4 and 15-16. additionally, Macera et al discloses that the active portion contains active network timing information. See column 2. In addition, Macera et al discloses a packet state, wherein the active network is operable o communicate the data packet correspond to the packet state, and that the active portion of the data packet can be integrated with either the header portion, or the data portion o the trailer portion.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,668,880	Alajajian	Sep. 1997
5,878,045	Timbs	Mar. 1999
6,101,013	Monacos	Aug. 2000
6,246,688	Angwin et al	Jun. 2001
6,263,322	Kikevold et al	Jul. 2001
6,400,281	Darby, Jr. Et al	Jun. 2002

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 7:30 AM - 4:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Jacques H. Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj
September 4, 2002

Jacques Louis-Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER